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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,300	05/17/2001	Klaus Lindemann	P277884	6583

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McLean, VA 22102

EXAMINER
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JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/806,300

**Applicant(s)**

LINDEMANN, KLAUS

**Examiner**

Blane J Jackson

**Art Unit**

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 18 November 2004 have been fully considered but they are not persuasive. The content of the previous Non-Final Action has been edited for clarity and presented below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz (U.S. Patent 6,131,024) with a view to Hentila et al. (U.S. Patent 6,044,259).

As to claims 1, 3, 4 and 8, Boltz teaches a method and arrangement for transmitting credit/charging information to a mobile station, the method including:

Maintaining credit/charging information related to the subscriber of the mobile station in a network node (HLR or intelligent node, column 3, line 41 to column 4, line 11),

Detecting a call setup request wherein the a call setup request indicates a call chargeable to the subscriber of the mobile station but does not include the credit/charging information,

Based on the call setup request, determining the credit/charging information maintained in the network node (column 4, lines 41-47),

Establishing the call (column 4, lines 47-58),

Detecting a termination of the call and,

Updating the credit/charging information maintained network node (figures 2 and 3, column 5, lines 15-27),

Boltz also teaches sending the credit/charging information to the mobile station as a connectionless message upon subscriber request (by USSD or MMI message, column 5, lines 27-36), but does not teach sending the information in response to the detection of the call termination.

Hentila teaches a wireless telephone system with an intelligent node to store subscriber instructions to control and track call usage, column 6, lines 46-67. Hentila discloses the call can be monitored in respect to several conditions based on subscriber instructions, column 7, lines 33-37. Hentila further teaches the SCP checks the subscriber database to see the current balance of the subscriber and notifies the subscriber by voice or display message on the display of the subscriber station during call set-up, column 8, lines 11-22. Hentila further teaches, at the end of the call, the subscriber's account shows the real time balance with further action as directed in the instructions in the subscriber database, column 8, lines 22-29.

Since Hentila teaches an intelligent system for call management based on instructions defined by the subscriber, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the wireless call charge control

system of Boltz with the specific call charge subscriber defined control system of Hentila to identify real time call charge status at call set-up, during and at termination of the call at the subscriber terminal for timely call decisions by the subscriber.

As to claim 2, Boltz teaches the method of claim 1 further comprising defining an upper limit for an accumulated price of telephone calls, monitoring the accumulated price of telephone calls and allowing a new call only if the accumulated price of telephone calls is less than the upper limits (column 4, lines 41-58).

As to claims 6, 7 and 9, with respect to claims 1 and 8, Hentila of Boltz modified teaches an intelligent network to handle different and evolving call services comprised of a Service Switching Point (SSP) to give the user access to the network and detects service requests of the intelligent network, a Service Control Point (SCP) comprising the programs of the service logic and a service data Point (SDP) that contains the program service data (column 1, lines 39-67). This network under SCP control is used to coordinate and implement call services where the call may be monitored in respect to call accumulation and other condition indicated in the subscriber record (figure 3, column 8, lines 11-29 and column 4, lines 34-56). Hentila does not specifically teach the network node (the SCP) requesting a Mobile service Switching Center (MSC) to report the termination of the call to determine and send the credit/charging information to the mobile station. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize in the intelligent network and prepaid call control

system of Hentila of Boltz modified for the SCP within the intelligent network to direct the operational steps to determine and send credit/charging information to the mobile station as taught by Boltz modified, as discussed in claim 1.

As to claims 11-14 with respect to claims 1 and 8, Boltz teaches the subscriber defines the limit usage based on charging information, column 3, lines 41-57, but does not specifically teach the system is configured to send to the mobile station a price of the call or a lifetime of available credit.

Hentila teaches subscriber defined instruction located at a service control point of an intelligent network with real time calculations for the call, where the instructions indicate how to perform when certain conditions are met including when predetermined charges are exceeded or certain number of calls allowed with the subscriber notified accordingly, column 6, lines 46-59, column 7, lines 21-37. Hentila specifically teaches the call can be monitored in respect of other conditions indicated in the subscriber record such that at the end of the call, the subscriber's account shows the real time balance, column 8, lines 22-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to identify in the subscriber defined call control system of Boltz the additional subscriber call control instructions of Hentila to report call charge or account status to the subscriber.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz in combination with Hentila et al. and further in view of Laybourn et al. (U.S. Patent 6,480,710).

As to claim 10 with respect to claim 9, the intelligent network of Boltz and Hentila do not teach a separate processor configured to format the credit/charging information.

Laybourn teaches a cellular network with management of a prepaid wireless service and utilizes a Short Message Service Center (SMSC) to format a message containing tariff rates or to answer user requests such as an available credit amount (column 6, lines 41-64) sent over the air to a mobile device (figure 1, SMSC (180), mobile (10), column 3, lines 30-54 and column 5, line 63 to column 6, line 7.

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize in Boltz and Hentila the separate processing SMSC ability of Laybourn such that the service provider can forward tariff table updates and the like at any time the service provider needs to do so.

***Allowable Subject Matter***

5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

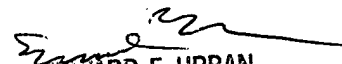
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ

  
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